

CHAPTER 1

Rules and Regulations for Substance Abuse Standards

General Provisions

- Section 1. <u>Authority.</u> These Rules are promulgated by the Wyoming Department of Health pursuant to W.S. § 9-2-2701 and the Wyoming Administrative Procedure Act at W.S. § 16-3-101, *et seq.*, to establish standards for community substance abuse prevention, early intervention, recovery support services and treatment services, and to provide a full continuum of quality, research-based, best practice substance abuse services to Wyoming citizens.
- Section 2. <u>Purpose.</u> These rules are intended to supersede *Rules and Regulations of the Division of Behavioral Health*, dated February 1984, and amended October 1984, February 1992; Chapter 16 Substance Abuse Standards, November 2002; and Chapter 17 Rules and Regulations for Provision of Substance Abuse Services to the Criminal Justice Population, only to the extent that those rules may be construed to apply to the certification and delivery of substance abuse prevention, early intervention recovery support services, and/or treatment services.
- Section 3. <u>Applicability.</u> The incorporation by reference of any external standard is intended to be the incorporation of that standard as it is in effect on the effective date of this Chapter. The Mental Health and Substance Abuse Services Division (MHSASD) may issue manuals, bulletins, or both, to interpret the provisions of this Chapter. Such manuals and bulletins shall be consistent with and reflect the policies contained in this Chapter. The provisions contained in manuals or bulletins shall be subordinate to the provisions of this Chapter.
- Section 4. <u>Definitions.</u> The following definitions shall apply in the interpretation and enforcement of these rules. Where the context in which words are used in these rules indicates that such is the intent, words in the singular number shall include the plural, and vice versa. Throughout these rules, gender pronouns are used interchangeably, except where the context dictates otherwise. The drafters have attempted to utilize each gender pronoun in equal numbers, in random distribution. Words in each gender shall include individuals of the other gender.
- (a) "Administrator" means the administrator of the Mental Health and Substance Abuse Services Division, the administrator's agent, designee or successor.
- (b) "Admission" means the specific tasks necessary to screen, assess and admit a person to a substance abuse treatment service, such as completion of admission forms, notification of client rights and confidentiality regulations, explanation of the general nature and goals of the service, review of the intake policies and procedures of

the service program followed by a formal orientation to the service structure. Medical necessity shall be reviewed for Medicaid clients.

- (c) "American Society of Addiction Medicine Patient Placement Criteria (ASAM PPC)" means the current edition or set of placement criteria for substance abuse clients published by the American Society of Addiction Medicine.
- (d) "Applicant" means a person, agency, organization, or governmental agency who has filed an application to become an approved alcohol/drug prevention, early intervention, recovery support services, and/or treatment program under these rules.
- (e) "Appropriate placement" means the placement of an individual in a treatment setting when the individual, based on need, meets the minimum standards for admission to that treatment setting and the individual's need for treatment do not exceed the level of services which the treatment setting is capable of providing. Medical necessity shall be reviewed for Medicaid clients.
- (f) "Assessment" means contact with a client (and collaterals as necessary) for the purposes of completing an evaluation of the client's substance abuse/mental health disorder(s) to determine treatment needs and establish a treatment plan. Medical necessity shall be reviewed for Medicaid clients.
- (g) "Bio-psychosocial spiritual assessment" means a comprehensive assessment which includes a history of physical, emotional, social, and spiritual needs, and a comprehensive alcohol and drug use history, including assessment for suicidal and homicidal ideation.
- (h) "Case management" means the activities guided by a client's treatment plan which bring services, agencies, resources, and people together within a planned framework of action toward the achievement of established treatment goals, including wrap around services. Medical necessity shall be reviewed for Medicaid clients.
- (i) "Certification" means the Division formally recognizes the program/provider as having met the requirements of these rules that pertain to specific substance abuse prevention, early intervention, recovery support services and treatment services provided.
- (j) "Certified Peer Specialist Services" means therapeutic contact with enrolled clients (and collaterals as necessary) for the purpose of implementing the portion of the enrolled client's treatment plan that promotes the clients to direct their own recovery and advocacy process or training to parents on how best to manage their child's substance abuse and/or mental health disorder to prevent out of home placement; to teach and support the restoration and exercise of skills needed for management of symptoms; and for utilization of natural resources with the community.

- (k) "Client" means a person receiving services by a certified provider.
- (l) "Clinical supervisor" means a Wyoming Mental Health Professions Licensing Board qualified clinical supervisor as defined in W.S. § 33-38-102(a)(xiii), or psychologist or physician when practicing within the scope of his or her license and competency.
- (m) "Coalition" means an organization of members consisting of individuals, organizations, and agencies to develop strategies and identify activities and services, which address the needs of a community or of a racial, ethnic, religious, or social group regarding the use of, misuse of, and dependence on alcohol and other drugs in that community or group.
- (n) "Comprehensive Medication Services" means assistance to recipients by licensed and duly authorized medical personnel, acting within the scope of their licensure, regarding day to day management to the client's medication regime. This service may include education of client's regarding compliance with prescribed regime, filling pill boxes, locating pharmacy services, and assistance in managing symptoms that do not require a prescriber's immediate attention. This service is separate and distinct from the medication performed by physicians, physician's assistants and advanced practitioners of nursing who have prescriptive authority. Medical necessity shall be reviewed for Medicaid clients.
- (o) "Continuum of care" means an integrated network of treatment services and modalities, designed so that an individual's changing needs will be met as that individual moves through the treatment and recovery process.
- (p) "Contract" means a formal agreement with any organization, agency, or individual specifying the services, personnel, products, or space to be provided by, to, or on behalf of the program and the consideration to be expended in exchange.
- (q) "Co-occurring disorder(s)" means concurrent substance-related and mental disorders per most recent edition of Diagnostic Statistical Manual criteria.
- (r) "Counseling" means as defined by the "Wyoming Mental Health Professions Licensing Board" established under the provisions of W.S. § 33-38-101, *et seq.*, the Wyoming Board of Psychology, as defined pursuant to W.S. § 33-27-113(a)(v), or a Wyoming Advanced Psychiatric Nurse.
- (s) "Counselor" means a person who is credentialed through the Wyoming Mental Health Professions Licensing Board established under the provisions of W.S. § 33-38-101, *et seq*, a psychologist who is licensed to practice psychology pursuant to W.S. § 33-27-113(a)(v), or a Wyoming Advanced Psychiatric Nurse.

- (t) "Crisis intervention" means services that respond to a client's needs during acute episodes that may involve emotional, psychological, and/or physical distress, imminent relapse, and/or danger to self or others.
- (u) "Cultural competency" means an organization's or individual provider's ability to recognize, respect, and address the unique needs, worth, thoughts, communications, actions, customs, beliefs, and values that reflect an individual's racial, ethnic, religious, social group, and sexual orientation.
- (v) "Department" unless otherwise made clear in the context of its usage, means the Wyoming Department of Health.
- (w) "Detoxification plan" means a planned procedure based on clinical and/or medical findings for managing or monitoring withdrawal from alcohol or other drugs.
- (x) "Detoxification service" means a process of withdrawing a person from alcohol and other drugs in a safe and effective manner.
- (y) "Diagnostic and Statistical Manual of Mental Disorders (DSM)" means the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association which is incorporated by this reference.
- (z) "Division" means the Mental Health and Substance Abuse Services Division of the Wyoming Department of Health.
 - (aa) "DSM" means Diagnostic and Statistical Manual of Mental Disorders.
- (bb) "Early intervention" means activities that take place with high-risk individuals, families, or populations with the goal of averting or interrupting the progression of issues and risk factors associated with substance use.
- (cc) "Education" means strategies that teach people critical information about alcohol and other drugs and the physical, emotional, and social consequences of their use.
- (dd) "Education Services" means in compliance with the Wyoming Board of Education.
- (ee) "Executive Director" means the individual appointed by the governing body to act on its behalf in the overall management of the program. Other job titles may include director, superintendent, program administrator, president, vice-president, and executive vice-president.
- (ff) "Facility" means the building(s), including furnishings and fixtures, where persons with alcohol or drug problems receive services. This is synonymous with offices, clinic, or physical plant.

- (gg) "Felony" means a criminal offense for which the penalty authorized by law includes imprisonment in a state penal institution for more than one (1) year.
- (hh) "Governing Body" means the individual(s), board of directors, group, or agency that has ultimate authority and responsibility for the overall operation of a substance abuse prevention, early intervention, recovery support services and treatment services.
- (ii) "Group Therapy" means therapeutic contact with two or more unrelated clients and or collaterals as necessary for the purpose of implementing each client's treatment plan. This service is targeted at reducing or eliminating specific symptoms or behaviors related to the client's substance abuse/mental health disorder(s) as identified in the treatment plan. Medical necessity shall be reviewed for Medicaid clients.
- (jj) "Guardian(s)" means a parent, trustee, conservator, committee, or other individual or agency empowered by law to act on behalf of, or have responsibility for, a client for treatment services.
 - (kk) "HIPAA" means the Health Insurance Portability and Accountability Act.
- (ll) "Individualized Treatment plan" means a written action plan based on initial and ongoing assessment information that identifies the client's clinical needs, the strategy for providing services to meet those needs, measurable treatment goals and objectives, and criteria for discharge. Medical necessity shall be reviewed for Medicaid clients.
- (mm) "Individual/Family Therapy" means provider based individual/family services. Therapeutic contact, within the provider's office or agency, with the recipient and/or collaterals for the purpose of developing and implementing the treatment plan for an individual or family. This service is targeted at reducing or eliminating specific symptoms or behaviors which are related to the client's substance abuse/mental health disorder(s) as specified in the treatment plan. Medical necessity shall be reviewed for Medicaid clients.
- (nn) "Intoxicated Person" means a person whose mental or physical functioning is impaired as a result of alcohol or drug use, including the inappropriate use of prescription drugs.
- (oo) "Level of care" means a certified setting, intensity, and frequency of services provided by a service program and determined through the use of scientifically validated assessment tools.
- (pp) "Licensed practical nurse" means a person who is a licensed practical nurse under W.S. § 33-21-119, et seq.

- (qq) "Medical Necessity" means a covered service that is consistent with the diagnosis and treatment of the recipient's condition; in accordance with the standards of good medical practice among the provider's peer group and required to meet the medical need of the client and undertaken for reasons other than the convenience of the client or the provider; and provided in the most cost effective and appropriate setting required by the client's condition.
- (rr) "Medical Screening" means a screening conducted by a licensed practical nurse, registered nurse, nurse practitioner, physician's assistant, or licensed physician. Medical necessity shall be reviewed for Medicaid clients.
- (ss) "Medically managed services" means services provided or directly managed by a physician.
- (tt) "Mental disorder" means a condition listed in current American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders (DSM) or International Classification of Diseases.
- (uu) "Mental health professional" means a person qualified by training or cross-training to diagnose mental disorders, including an individual licensed to practice under W.S. §§ 33-21-101, et seq., 33-26-101, et seq., 33-27-101 et seq., and 33-38-101, et seq., when practicing within the scope of their competency and license.
- (vv) "Nurse" means a registered nurse (R.N.), licensed practical nurse (L.P.N.), or nurse practitioner who, for the purposes of these rules and minimum standards, also shall have specialized training, education, and experience in treating persons with problems related to alcohol/drug use.
- (ww) "Nurse practitioner" means a person licensed to practice under W.S. § 33-21-119, et seq.
- (xx) "Participant" means a person who receives or participates in a service provided by a prevention, early intervention, recovery support service, or treatment program.
- (yy) "Physician" means a person who is licensed by the Wyoming Board of Medicine licenses and disciplines.
- (zz) "Prevention program" means a program that provides services, strategies, and activities to the general public and to persons who are at a high risk of having a substance-related disorder which: (a) is comprehensively structured to reduce individual or environmental risk factors for substance-related disorders; (b) increases resiliency to substance-related disorders; and (c) establishes protections against substance-related disorders.

- (aaa) "Prevention Services" means evidenced-based prevention activities provided by a certified substance abuse prevention program that follows the public health model to identify substance abuse problems and develop solutions for population groups through using relevant data to define the problem; identifying causes through analyzing risk and protective factors associated with the problem; designing, developing and evaluating interventions; and disseminating successful solutions as part of education and outreach efforts.
- (bbb) "Program" means any service, individual, organization, or governmental entity certified by the Division to address substance-related disorders, including, but not limited to: (a) an administrative program; (b) a coalition program; (c) a prevention program; (d) an early intervention program (e) a drug court program; (f) an evaluation center program; (g) a treatment program; and (f) a recovery support service.
- (ccc) "Program Evaluation" means processes primarily used by the program's administration, alone or in concert with an outside evaluator, to assess and monitor, on a regular or continuous basis, program operation, service delivery, quality assurance, and client service outcomes.
- (ddd) "Provider" means any service, individual, organization, or governmental entity certified by the Division to address substance-related disorders, including, but not limited to: (a) an administrative program; (b) a coalition program; (c) a prevention program; (d) an early intervention program (e) a drug court program; (f) an evaluation center program; (g) a treatment program; and (f) a recovery support service.
- (eee) "Psychologist" means a person who is licensed to practice psychology pursuant to W.S. § 33-27-113.
- (fff) "Psychosocial Rehabilitation" means a therapeutic contact with two or more recipients (and collaterals as necessary) for the purpose of providing a preplanned, structured program of community living skills training which addresses functional impairments and/or behavioral symptoms related to client's health and/or mental health disorder(s) to slow deterioration, maintain or improve community integration, to ensure personal safety and well-being, and to reduce the risk of or duration of placement in a more restrictive setting including a psychiatric hospital or similar facility. Medical necessity shall be reviewed for Medicaid clients.
- (ggg) "Qualified Clinical Staff" means a person who is credentialed through the Wyoming Mental Health Professions Licensing Board established under the provisions of W.S. § 33-38-101, *et seq.*, a psychologist who is licensed to practice psychology pursuant to W.S. § 33-27-113(a)(v), a Licensed Physician by the Wyoming Board of Medicine, or a Wyoming Advanced Psychiatric Nurse.
- (hhh) "Referral" means the establishment of a link between a client and a service provider that includes providing client-authorized documentation to the receiving

program in accordance with confidentiality of records will be kept per 42 CFR, Part 2, Federal Confidentiality, and 45 CFR Part 160 and 164, Health Insurance Portability and Accountability Act (HIPAA).

- (iii) "Registered nurse" means a person who is licensed as a registered nurse under W.S. § 33-21-119, et seq.
- (jjj) "Relapse prevention" means service activities designed to support the recovery of the individual in order to reduce and prevent recurrence of harmful alcohol or other drug use.
- (kkk) "Revoke" means invalidation of state approval of a Division certified provider.
- (lll) "Screening" means a brief process conducted prior to admission to the drug/alcohol treatment program to determine if the individual needs services.

(mmm)"Service(s)" means an activity that is directed toward the prevention, intervention or treatment of a substance-related disorder and recovery support services certified by the Division.

- (nnn) "Staff" means the: paid employees, including, without limitation, paid employees hired on a temporary basis; volunteers; independent contractors; and consultants of a program.
- (000) "Staff development" means activities designed to improve staff competency and job performance, which includes cross-training that employs learning activities to develop, promote, and evolve research-based practices in the areas of knowledge, skills, and attitudes aimed at changing behaviors to enhance or improve job performance.
- (ppp) "Staffing" means a regular review of a client's treatment plan goals progress which involves the client's assigned primary clinical staff person and other persons involved in the implementation of the treatment plan when indicated.
- (qqq) "Substance abuse disorder" means the existence of a diagnosis of "substance abuse," "substance dependence," or a not otherwise specified substance abuse related disorder listed in the current edition of the DSM or ICD.
- (rrr) "Substance-related disorder" has the meaning ascribed to it in the current edition of the DSM, which is adopted by reference pursuant to this Chapter.
- (sss) "Suspension" means invalidation of approval of a service for any period less than one (1) year or until the Division has determined substantial compliance and notifies the provider of reinstatement.

- (ttt) "Transfer" means the change of a client from one level of care to another. The change may take place at the same location or at a different service setting for the new level of care.
- (uuu) "Treatment" means the planned provision of culturally competent therapeutic services to assist the client in achieving the goals of their treatment plan.
- (vvv) "Treatment program" means a program that provides services for the treatment of a substance-related disorder in the manner set forth by the criteria of the Division.
- (www) "Volunteer" means an individual who, without compensation, provides or conducts an activity for a service provider.
- (xxx) "Wyoming Mental Health Professions Licensing Board" means the agency established under the provisions of W.S. § 33-38-101, et seq.
- (yyy) "Wyoming Administrative Procedure Act" means W.S. § 16-3-101, et seq.